



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

ELP

Docket No. 2011-00

16 November 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Kastner, Pfeiffer, and Mackey reviewed Petitioner's allegations of error and injustice on 15 November 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Petitioner's application to the Board was filed in a timely manner.

c. Petitioner enlisted in the Navy on 27 July 1999 for four years at age 19. At that time, he agreed to extend for an additional period of 12 months in exchange for HM "A" school. His enlistment physical noted a history of chest pain prior to enlistment.

d. On 3 August 1999, Petitioner underwent a cardiology evaluation due to chest pain associated with marching and physical training. Petitioner claimed that he had chest pain in high school and was diagnosed with mitral valve prolapse by a cardiologist. An examination and electrocardiogram (ECG) were normal. The examining medical officer opined that although the chest pain was noncardiac, and entry level medical separation for chronic chest pain syndrome should be considered.

e. On 5 August 1999, Petitioner was notified that separation processing was initiated by reason of convenience of the government due to chronic chest pain syndrome. He was advised of his procedural rights, declined to consult with legal counsel and waived his right to have case reviewed by the general court-martial convening authority. Thereafter, the discharge authority directed discharge. On 11 August 1999, Petitioner received an uncharacterized entry level separation by reason of "failed medical/physical procurement standards", and assigned an RE-4 reenlistment code.

f. Regulations require the assignment of an RE-4 reenlistment code to individuals separated by reason of "failed medical/physical procurement standards." Regulations authorize the assignment of an RE-3E reenlistment code to individuals separated by reason of erroneous enlistment. An RE-3E reenlistment code means that the individual is eligible for reenlistment except for the disqualifying factor which led to discharge. This code may be waived by recruiting authorities if convincing evidence can be presented to show that the condition which led to discharge no longer exists.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner had no disciplinary or performance problems during his short period of service. It appears to the Board the full extent of Petitioner's medical condition was not fully recognized until after he began recruit training. Had it been recognized before, he would not have been enlisted. The Board concludes that Petitioner could also have been separated by reason of erroneous enlistment and assigned a more favorable reenlistment code. The Board concludes that it would be appropriate and just to show that he was discharged by reason of erroneous enlistment vice

failed medical/physical procurement standards and assigned an RE-3E reenlistment code.

RECOMMENDATION:


a. That Petitioner's naval record be corrected by showing he was separated on 11 August 1999 by reason of "Erroneous Enlistment (other)" vice "Failed Medical/Physical Procurement Standards" and was assigned an RE-3E vice RE-4 reenlistment code as now shown on his DD Form 214.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross references being made a part of Petitioner's naval record.


4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6 (e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director